REMARKS/ARGUMENTS

Applicants thank the Examiner for his careful review of this application. Claims 1-20 have been rejected. Claims 1 and 16 have been amended. Applicants respectfully request reconsideration of the application in view of the above amendment and the following remarks submitted in support thereof.

Claim Rejections – 35 U.S.C. §112, second paragraph

Claims 1-7 and 16-20 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Although the Applicants believe that the original pending claims are defined over the art of record, the Applicants have amended independent claims 1 and 16 to clarify that the removal of the master/slave functionality is from the API components. As a result, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §112, second paragraph rejection for claims 1-7 and 16-20.

Obviousness Rejections under 35 U.S.C. §103(a)

Claims 1, 6-9, and 14-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Java Media Framework API Guide* (November 19, 1999) <http://java.sun.com/products/javamedia/jmf/2.1.1/guide/JMFTOC.html> (herein referred to as "Java Guide") in view of U.S. Patent No. 6,138,271 to Keeley. Claims 2, 10, 16, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Java Guide in view of Keeley and U.S. Patent Publication No. 2004/0088710 to Ronkka et al. Claims 3-5 and 11-13 stand rejected under Java Guide in view of Keeley and Travostino et al., *Real-Time and Remote MACH IPC: Architecture and Design* (April 8, 1994). Claims 17-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Java Guide in view of Keeley, Ronkka et

al., and <u>Travostino et al</u>. As will be fully explained below, the combination of Java Guide in view of <u>Keeley</u> and <u>Ronkka et al</u>. does not raise a *prima facie* case of obviousness against independent claims 1, 8, and 16.

Amended independent claims 1 and 16 define methods for creating a mobile multimedia framework application programming interface (API). In particular, API component access parameters are set to utilize a synchronous programming model. Further, API components are set to a pull data delivery protocol and master/slave functionality is removed from the API components. Independent claim 8 defines a mobile framework API that comprises a media engine. Similarly, the media engine has components that utilize a synchronous programming model.

In support of the obviousness rejection, the Examiner noted that Java Guide teaches or suggests a synchronous programming model, as defined in independent claims 1, 8, and 16. Applicants respectfully traverse the Examiner's characterization in this regard because the portion of the reference relied upon by the Examiner (player and stop method at pages 11-12) does not teach or suggest a synchronous programming model. Specifically, Java Guide discloses "an <u>a</u>synchronous method on a Player" (page 12). In contrast, independent claims 1, 8, and 16 define a synchronous programming model. An asynchronous method is simply different from a synchronous programming model. Furthermore, the term "synchronous" is not disclosed anywhere in Java Guide. Accordingly, Java Guide cannot reasonably be considered to teach or suggest to one having ordinary skill in the art a synchronous programming model, as defined in independent claims 1, 8, and 16.

The Examiner also noted that Java Guide teaches or suggests setting the API components to a pull data delivery protocol, as defined in independent claims 1 and 16. Applicants respectfully traverse the Examiner's characterization in this regard because the

portion of the reference relied upon by the Examiner (page 5) does not teach or suggest

setting the API components to a pull data delivery protocol. In particular, at page 5, Java

Guide discloses that "[m]edia data can be obtained from a variety of sources," such as "pull

data sources: PullDataSource and PullBufferDataSource" and "push data sources:

PushDataSource and PushBufferDataSource." Java Guide then briefly provides brief

descriptions of the pull data source and the push data source. However, Java Guide does not

disclose anywhere <u>setting</u> the API components to a pull data delivery protocol. Furthermore,

if an assumption is made that Java Guide does disclose setting the API components to a pull

data delivery protocol, then Java Guide must teach setting the push data source to a pull data

source. However, setting the push data source to a pull data source is contrary to the

teachings of Java Guide because, as discussed above, Java Guide particularly teaches that

media data can be obtained from a variety of sources, such as a pull data source and a push

data source. Accordingly, Java Guide cannot reasonably be considered to teach or suggest to

one having ordinary skill in the art setting the API components to a pull data delivery

protocol, as defined in independent claims 1 and 16.

Furthermore, the Examiner noted that <u>Keeley</u> teaches or suggests removing

master/slave functionality, as defined in independent claims 1 and 16. Again, the Applicants

respectfully traverse the Examiner's characterization in this regard because the portions of the

reference relied upon by the Examiner (col. 3, lines 37-39 and col. 7, line 64 – col. 8, line 3)

do not teach or suggest removing master/slave functionality. In particular, the Examiner

noted that <u>Keeley</u> discloses "removing functionalities that are not needed by the applications

in the embedded computer" (see Office Action mailed August 23, 2004 at page 3). However,

<u>Keeley</u> does not disclose anywhere that the functionalities include the master/slave

functionality. Accordingly, <u>Keeley</u> cannot reasonably be considered to teach or suggest to

one having ordinary skill in the art removing the master/slave functionality, as defined in independent claims 1 and 16. Nonetheless, if the Examiner is actually asserting that removing master/slave functionality is not disclosed in Keeley but is obvious from the cited portions, then the Applicants ask the Examiner to specifically provide documentary evidence of the removal of the master/slave functionality in the next Office Action if the rejection is to be maintained (see M.P.E.P. §2144.03).

To establish a *prima facie* case of obviousness, the prior art references must teach or suggest all the claim limitations (see M.P.E.P. §2143). Here, in view of the incorrect characterization of Java Guide and Keeley, the references as combined do not teach all the features of the claimed invention.

Additionally, to establish a prima facie case of obviousness based on a combination of references, there must be some suggestion or motivation, either in the references or in the knowledge generally available to one having ordinary skill in the art, to combine the references in the manner proposed. The teachings of Java Guide focus on providing "a unified architecture and messaging protocol for managing the acquisition, processing, and delivery of time-based media data" (page 1). In contrast, the teachings of Keeley focus on operating systems that "provide a set of standard operations that may be invoked by an application program to perform routine tasks associated with controlling the computer hardware" (col. 1, lines 18-20). Managing time-based media and controlling computer hardware relate to entirely different technologies and applications. As the teachings of Java Guide have nothing to do with the problems addressed by Keeley, Applicants submit that there would not have been any motivation for one having ordinary skill in the art to combine Java Guide and Keeley in the manner proposed by the Examiner.

Accordingly, for the above-stated reasons, Applicants submit that independent claims 1, 8, and 16 are patentable under 35 U.S.C. §103(a) over Java Guide in view of <u>Keeley</u> and <u>Ronkka et al</u>. Claims 2-7, 9-15, and 17-20, each of which depends directly or indirectly from independent claims 1, 8, and 16, are likewise patentable under 35 U.S.C §103(a) over Java Guide in view of <u>Keeley</u>, <u>Ronkka et al</u>., and <u>Travostino et al</u>. for at least the same reasons set forth for independent claims 1, 8, and 16. As a result, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a) rejections for claims 1-20.

Conclusion

In view of the foregoing, the Applicants respectfully submit that all the pending claims 1-20 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is requested to contact the undersigned at (408) 749-6900 ext. 6924. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP010). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE & PENILLA, L.L.P.

Michael K. Hsu, Esq.
Reg. No. 46,782

Martine & Penilla, LLP
710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Telephone: (408) 749-6900
Customer Number 32,291